

**BROKEN ARROW CITY COUNCIL  
AMENDED AGENDA  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012**

**October 7, 2008**

**6:30 PM**

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
  - A. Approval of the special meeting minutes of September 15, 2008
  - B. Approval of the special meeting minutes of September 24, 2008
  - C. Approval of the special meeting minutes of October 2, 2008
  - D. Acceptance of the minutes of the Planning Commission meeting held September 11, 2008
  - E. Approval of the Broken Arrow Youth City Council 2008-2009 Schedule of Meetings
  - F. Approval of a Special Events Permit for The Assembly at Broken Arrow for their Annual Fall Outreach of Mpac Student Ministries to be held Wednesday, October 22, 2008 from 6:00 to 9:00 p.m., including the closing of Broadway from 1st to 2nd Street and 2nd Street from Broadway to College
  - G. Approval of a Special Events Permit for the Main Street Merchants Association for their Annual Fun and Games on Main event to be held Saturday, October 25, 2008 from 6:00 to 8:00 p.m., including the closing of Main Street from Dallas to Broadway
  - H. Approval of and authorization to execute Resolution No. 544, a resolution authorizing the City Attorney to agree to Entry of Judgment in the case of City of Broken Arrow, Oklahoma v. Rhonda Lynette Hamilton Baptiste, et al., Tulsa County District Court Case Number CJ-2008-04327 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry for the Court's approval
  - I. Approval of and authorization to execute Resolution No. 545, a resolution authorizing the City Attorney to agree to Entry of Judgment in the case of The City of Broken Arrow, Oklahoma v. Mary E. Brown, et al., Wagoner County District Court Case Number CJ-2008-736 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry for the Court's approval
  - J. Approval of and authorization to execute a Financial Advisers Services Agreement with Municipal Finance Services, Inc. for services related to the approval and issuance of General Obligation Bonds in one or more series to be voted on in December 2008

- K. Approval of and authorization to execute a Wrecker Service Agreement between Storey Wrecker Services and the City of Broken Arrow, effective from July 1, 2008 through June 30, 2009
- L. Approval of and authorization to execute Consent Order 08-213 from Oklahoma Department of Environmental Quality (ODEQ) for facility S-20409 and B-20434
- M. Acceptance of Agreement to Subrogate from GreenPoint Mortgage Funding, Inc. for the Rodway and Suzette Brown property (S23, T18N, R14E) (Project: ST0526, New Orleans widening from Elm to Ninth Street)
- N. Approval of bids received and award of the most advantageous to GT Distributors, for ammunition
- O. Approval of Major Change Order No. 1 to Contract S.0102, Lynn Lane Waste Water Treatment Plant Expansion and Belt Filter Press
- P. Approval of Final Acceptance for Public Improvements at Brighton Village
- Q. Approval of Final Acceptance for Public Improvements at Rushbrooke
- R. Approval of PT07-123, Chris Nikel Extended, Amendment No. 1 to Development and License Agreement associated with Conditional Final Plat of Chris Nikel Extended, 3.39 acres, 1 lot, C-H, one-quarter mile west of Aspen Avenue (145th East Avenue), on the north side of the Broken Arrow Expressway (State Highway 51)
- S. Approval of BACP 98 and BAZ 1815, Thermodynamics Expansion, 6.0 acres, Level 6 to Level 7, A-1 to I-H, southwest of Highway 51, one-quarter mile south of Washington Street (91st Street)
- T. Approval of BACP 99 and BAZ 1816, Houston Street Industrial Park, 39.9 acres, Level 6 to Level 7, A-1 to I-H, one-quarter mile east of 9th Street (177th East Avenue/Lynn Lane Road), north of Houston Street (81st Street)
- U. Approval of BAZ 1813 Tulsa Dynaspan, Inc. Expansion, 45.28 acres, 1 lot, A-1, I-L and I-H to I-H, south of Houston Street (81st Street), one-quarter mile west of 23rd Street (193rd East Avenue/County Line Road)
- V. Acceptance of a Temporary Construction Easement from Corey and Denise Wondra (S19 T19N R15E) (Project: Steeplechase Farms Drainage) (SW0713)
- W. Acceptance of a Temporary Construction Easement from Damon and Tracey Arthur (S19 T19N R15E) (Project: Steeplechase Farms Drainage) (SW0713)
- X. Acceptance of a Utility Easement from Corey and Denise Wondra (S19 T19N R15E) (Project: Steeplechase Farms Drainage) (SW0713)
- Y. Acceptance of a Utility Easement from Damon and Tracey Arthur (S19 T19N R15E) (Project: Steeplechase Farms Drainage) (SW0713)
- Z. Acceptance of two Utility Easements from the City of Broken Arrow for the Water Treatment Plant and the Lynn Lane Waste Water Treatment Plant
- AA. Approval of the Claims List

## **6. Consideration of Items Removed from Consent Agenda**

**7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths**

- A. Appeal: Consideration and possible action on the Planning Commission denial of BACP 96, Elm Ridge Crossing, 77.39 acres, A-1, Level 2 to Level 3 and Level 4, southeast corner of Elm Place (161st East Avenue) and Omaha Street (51st Street)

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)**

**9. General Council Business**

- A. Consideration and possible appointment of Keith Roberson to the Convention and Visitors' Bureau to fill a vacancy created by the resignation of Kim Piper whose term expires September 2010
- B. Consideration and appointment of members to the Youth City Council for the 2008-2009 school year
- C. Consideration and possible approval to reduce the Extended Stay hotels from 90 days to 31+ days, in the Broken Arrow Code of Ordinances Section 22-0111
- D. Consideration and designation of voting and alternate voting delegates for the National League of Cities annual business meeting
- E. Consideration, possible approval of and authorization to execute Resolution No. 547, a resolution establishing the necessity of improvements to stormwater systems of Steeplechase Farms and Amended Glen Eagles subdivisions, adopting and approving the Municipal Engineer's preliminary plans, preliminary estimate and assessment plat, declaring the work of the improvement necessary to be done and establishing a hearing on the proposed improvements
- F. Consideration, possible approval of and authorization to execute an Architectural Engineering contract with Mike Hughes Architects, PC, for design of the Broken Arrow Conference Center
- G. Consideration, possible approval of and authorization to execute the Special Election Proclamation and Notice of the December 9, 2008, Bond Election
- H. Consideration, possible approval of and authorization to execute Resolution No. 546, a resolution submitting to the voters of the City of Broken Arrow at a Special Election to be held on December 9, 2008, Ordinance No. 2986 of the City of Broken Arrow approving the acquisition, construction, equipping and furnishing of a new fire station to replace an existing fire station and to be located in central Broken Arrow, and construction, equipping and furnishing of a new fire department training tower and a police department shoot house and acquisition of a public safety driving simulator to be located at the City Public Safety Training Center
- I. Consideration and possible approval of Budget Amendment No. 4 authorizing the transfer of \$36,700.00 to the Broken Arrow Economic Development Authority for Assignments of Purchase and Sales Contracts with the Broken Arrow Development Corporation for the purchase of approximately 46 acres

**10. City Manager's Report**

- A. None

## **11. Preview Ordinances**

- A. An ordinance creating Chapter 7, Article VI, Section 7-132, Massage Establishments Penalty, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency
- B. An ordinance repealing Chapter 7, Article VI, Section 7-130 of the Broken Arrow Code pertaining to Massages as Employee Benefit on Periodic Basis; and declaring an emergency
- C. An ordinance amending Chapter 7, Article VI, Section 7-120 of the Broken Arrow Code pertaining to Massage Applications; repealing all ordinances to the contrary; and declaring an emergency
- D. An ordinance amending Chapter 7, Article VI, Section 7-126 of the Broken Arrow Code pertaining to Revocation and Suspension; repealing all ordinances to the contrary; and declaring an emergency

## **12. Ordinances**

- A. Amended Ordinance No. 2985 - an ordinance amending Chapter 8, Cemeteries, Sections 8-22, 8-29, 8-30, and 8-36 of the Broken Arrow Code (charges for sale of lots and spaces for services); repealing all ordinances to the contrary and declaring an emergency
- B. Ordinance No. 2986 - an ordinance not to be codified, authorizing the calling and holding of an election in the City of Broken Arrow, Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of whether the purpose of a portion of the \$12,770,000 public safety utility bonds approved by the voters on May 11, 2004, can be amended to allow for the acquisition, construction, equipping and furnishing of a fire station to replace an existing fire station and to be located in central Broken Arrow, and construction, equipping and furnishing a fire department training tower and a police department shoot house, and acquisition of a public safety driving simulator, all to be located at the City Public Safety Training Center; verifying the election is called by Resolution requesting the Tulsa County Election Board to conduct said election and declaring an emergency
- C. Ordinance No. 2988 - an ordinance not to be codified, authorizing the calling and holding of an Election in the City of Broken Arrow, Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of the issuance of the Bonds of said City in amounts not to exceed the following sums: \$15,335,000 for the purpose of constructing, reconstructing, improving and repairing streets within said city; \$7,100,000 for the purpose of purchasing, constructing and repairing public safety utilities to be owned exclusively by said city; \$12,740,000 for the purpose of purchasing, constructing, and repairing parks and recreation utilities to be owned exclusively by said City; and \$3,300,000 for the purpose of constructing, reconstructing, improving and repairing the City's stormwater system; all of the foregoing amounts including costs of issuance; levying and collecting an annual tax in addition to all other taxes, upon all the table property in said City for the payment of interest on and principal of said bonds; authorizing the Mayor to call the election by proclamation and requesting the Tulsa County Election Board to conduct said election and declaring an emergency
- D. Ordinance No. 2989 - an ordinance amending Chapter 22, Article V, Sections 22-75 through 22-80, of the Broken Arrow Code pertaining to Use Tax (9-1-1 Emergency Services); repealing all ordinances to the contrary; and declaring an emergency

## **13. Remarks and Inquiries by Governing Body Members**

- 14. Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on contract negotiations concerning the Haikey Creek Wastewater Plant, Contract Negotiations with OOWA, and contract negotiations with IAFF and FOP employee groups, all under 25 O.S. § 307(B)(2); and litigation concerning The City of Broken Arrow v. Linda L. Ranson-Jabos, et al., Wagoner County District Court Case Number CV-2008-785 under 25 O.S. § 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending and potential litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.
- 15. Adjournment**

**NOTICE:**

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this \_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
City Clerk